

OPINION
48-7

December 20, 1948 (OPINION)

AERONAUTICS

RE: Zoning Board - Hazards

Re: Section 2-0403 (2), 1947 Supp., to 1943 Revised Code

Your letter of December 16, 1948, has been referred to my desk.

It is my opinion that where, for instance, an airport owned and controlled by a political subdivision, as that term is defined by section 2-0401 of the 1947 Supplement, and an airport hazard exists with reference to such airport in areas surrounding such airport, the joint zoning board shall consist of two representatives appointed by the political subdivision owning and controlling such airport, and two representatives appointed by the township in which such hazard exists. If the airport is so situated that such hazards exist in two or more townships, then such joint board shall have two representatives from each of such townships.

It is further my opinion that the term "political subdivision," used with reference to the members of the zoning board in North Dakota Century Code Section 2-0403 (2), does not include the county in which the airport is located. If it had been the intent of the legislature that the county should be represented on the zoning board, it could easily have so provided in plain terms. Clearly, it is the township which is particularly interested in the matter of regulations concerning airport hazards rather than the county.

P. O. SATHRE,

Attorney General